

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KYLE LEE PAYMENT,

Plaintiff,

v.

RON FRAKER, DARREN HEAWARD,
BRIAN PEDERSON, ROY CORTEZ,

Defendants.

CASE NO. C13-5547BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable Karen L. Strombom, United States Magistrate Judge. Dkt. 35. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) The Court **GRANTS** defendants' motion for summary judgment as to defendants Fraker and Heaward and they are **DISMISSED** from this action with prejudice; and
- (3) The Court **DENIES** defendants' motion regarding defendants Pederson and Cortez as to the First Amendment retaliation claim against them.

Dated this 6th day April, 2015.



BENJAMIN H. SETTLE
United States District Judge